

## COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY



As the inventor of the following invention:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of only one name is listed below or an original, first and joint inventor of plural names are listed below of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**"Nucleic acid diagnostics based on mass spectrometry or mass separation and base specific cleavage"**

the specification of which (check only one item below):

☐ is attached hereto

☐ was filed as United States application

Serial No. \_\_\_\_\_

on \_\_\_\_\_

and was amended

on \_\_\_\_\_ (if applicable)

☒ was filed as PCT international application

Number

PCT/AU98/00396

on

28 May 1998

and was amended under PCT Article 19

on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

## PRIOR FOREIGN, PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. 119

Country	Application Number	Date of Filing	Priority Claimed
Australia	PO 7102	28 May 1997	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Australia	PO 7109	30 May 1997	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Australia	PP 1665	5 February 1998	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Australia	PP 3592	19 May 1998	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

A circular stamp from the Office of Intellectual Property (OIP). The text "OIP" is at the top, "JCS" is at the top right, "MAR 13 2000" is in the center, and "PATENT &amp; TRADEMARK OFFICE" is at the bottom.

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. Stephen D. Murphy, Reg. No. 22,002; Leopold Presser, Reg. No. 19,827; William C. Roch, Reg. No. 21,972; Kenneth L. King, Reg. No. 24,223; Frank S. DiGiglio, Reg. No. 31,348; Paul J. Esatto, Jr., Reg. No. 30,741; John S. Sosny, Reg. No. 28,757; Mark J. Cohen, Reg. No. 32,211; Richard L. Catania, Reg. No. 32,608 and Donald T. Usack, Reg. No. 27,999.

Direct Telephone Calls to

Scully, Scott, Murphy & Presser  
100 Garden City Plaza  
Garden City, NY 11530

Leopold Prosser  
(516) 742-4343

10	5	1	3	5
20				
20				

Facto	Collector Chao	R. P. Chao
17/02/00	17/2/00	18/2/00

Page 2 of 2

[illegible]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

1001 of Title 18 of the United States Code, relating to the application or any patent issuing thereon.		SIGNATURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
SIGNATURE OF INVENTOR 204		DATE	DATE
DATE 17 February 2000		SIGNATURE OF INVENTOR 207	SIGNATURE OF INVENTOR 208
SIGNATURE OF INVENTOR 206		DATE	DATE



Applicant or Inventor: Colleen ELSON  
 Filed or Issued: Richard SIMPSON & Gavin REID  
 Title: "Nucleic acid diagnostics based on mass spectrometry or mass separation and base specific cleavage"

Attorney's  
 Locket No:

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
 (37 CFR 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION THE WALTER AND ELIZA HALL INSTITUTE OF MEDICAL RESEARCH  
 ADDRESS OF ORGANIZATION Royal Parade, Parkville, Victoria, 3052,  
Australia

TYPE OF ORGANIZATION

- ☐ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION  
☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3))  
☒ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA  
 (NAME OF STATE)  
 (CITATION OF STATUTE)  
☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA  
☒ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA  
 (NAME OF STATE)  
 (CITATION OF STATUTE)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled Same as above by inventor(s) described in Same as above

- ☐ the specification filed herewith  
☐ application serial no. \_\_\_\_\_, filed \_\_\_\_\_  
☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_

National Phase Entry of International Patent Application No. 101/AU98/00396 Filed 28 May 1998

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention availing to their status as small entities. (37 CFR 1.27)

NAME

ADDRESS

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME

ADDRESS

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Dr Margaret Brumby - General Manager  
 TITLE IN ORGANIZATION The Walter and Eliza Hall Institute of Medical Research  
 ADDRESS OF PERSON SIGNING Royal Parade, Parkville, Victoria, 3052,  
Australia  
 Signature: [Signature] Date: 17.02.2000